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**Via ECF Filing**

May 7, 2024

The Hon. Natasha C. Merle, USDJ  
Theodore Roosevelt United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Doe v. DraftKings, Inc. No. 1:24-cv-03077-NCM-VMS

Dear Judge Merle:

Defendant DraftKings, Inc. (“DraftKings”) respectfully submits this amendment to its letter dated May 1, 2024, in order to clarify the record. In that letter, DraftKings objected to John Doe proceeding by pseudonym and stated that “DraftKings is entitled to know with certainty Plaintiff’s true identity to properly respond to the Complaint and conduct discovery, even if his identity remains sealed from the public record.” (ECF #6 at 2).

As noted in the letter, plaintiff had prepared and filed a redacted Order to Show Cause in state court seeking leave to proceed pseudonymously, but that OSC was never presented or signed by the Supreme Court Justice. However, in the time since DraftKings submitted its letter to Your Honor, Plaintiff’s counsel has brought to counsels’ attention that Plaintiff had served on DraftKings (not counsel) an unredacted version of his OSC papers, including an affirmation in support thereof which did reveal John Doe’s name.

We were unaware of the unredacted affirmation at the time we filed DraftKings’ initial letter with the Court. We apologize to the Court and to Plaintiff for this oversight. DraftKings does now know, with certainty, Plaintiff’s identity.

As counsel looked into this issue, however, we also realized that John Doe’s identity is publicly identified in other documents he filed in the state court action, in particular a state request for judicial intervention. The fact that John Doe already revealed his true identity in the public record plainly weighs heavily against permitting Plaintiff to continue to litigate this matter by pseudonym. *Doe v. Telemundo Network Grp. LLC*, No. 22 CIV. 7665 (JPC), 2023 WL 6259390, at \*4 (S.D.N.Y. Sept. 26, 2023). Accordingly, DraftKings continues to object to Plaintiff proceeding by pseudonym, since it will prejudice DraftKings by, among other things, hampering potential discovery should the case move past the pleading stage.

If the Court would find it helpful, DraftKings respectfully suggests that the parties brief this threshold issue before DraftKings files a motion to dismiss.

Respectfully submitted,

/s/ James Sandnes

James Sandnes

cc: All counsel vis email